

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Bail Appl..No. 6228 of 2007()

CRIME NO.869 OF 2007 OF KARUNAGAPPALLY POLICE STATION

: PETITIONERS/ACCUSED 1, 2 AND 4

1. RAJU, AGED 39 YEARS, S/O.SREEDHARAN,
MANDANATHU VEEDU, ALAPPADU, KARUNAGAPPALLY.
2. DHARMARAJAN, AGED 46 YEARS,
S/O.SREEDHARAN, MANDANATHU VEEDU,
ALAPPADU, ALUMKADAVU P.O.,
KARUNAGAPPALLY.
3. B.ANILKUMAR, AGED 45 YEARS,
MULAMOOTTIL, NAMBAMVIKKALA,
ALUMKADAVU P.O., KARUNAGAPPALLY.

BY ADV. SRI.ALAN PAPALI
SRI.M.REVIKRISHNAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

B.A.No.6228 of 2007

Dated this the 16th day of October, 2007

ORDER

Application for anticipatory bail. Petitioners are accused 1, 2 & 4. Altogether there are 4 accused persons. They face allegations under Sections 324 and 308 I.P.C. Investigation is in progress. The defacto complainant's son had allegedly abducted the daughter of the 2nd accused and that, it is alleged, is the motive of the incident. Iron rods and swords were also used for the attack. Investigation is in progress. The 3rd accused had come before this Court and by order dated 1.10.07 in B.A.No.5911 of 2007, the said accused was granted bail subject to conditions. The petitioners now apprehend imminent arrest.

2. The learned counsel for the petitioners submits that exaggerated allegations are being raised because of enmity arising out of the alleged relationship between the children. The allegations, even if accepted in toto, cannot reveal the commission of any offence punishable under Section 308 I.P.C. Only one of the 2 alleged victims has suffered injuries and the nature of injuries suffered by them does not at all support the case of the victims about the attack with iron rods and swords. The allegation under Section 308 I.P.C has been included deliberately with the transparent intention of vexation. In any view of the matter, the petitioners do not deserve to suffer the

undeserved trauma of arrest and detention on the basis of such vague and inconclusive allegations of having committed the offence under Section 308 I.P.C.

3. The learned Public Prosecutor does not oppose the application. The learned Public Prosecutor submits that though no injury is suffered by the victims with the dangerous weapon-the sword, it is seen that there is an allegation that there was an attempt to cause injury with the sword.

4. Having considered all the relevant inputs, I am satisfied that this is a fit case where anticipatory bail can be granted to the petitioners. Appropriate conditions can of course be imposed.

5. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 23.10.07. They shall be enlarged on regular bail on their executing a bond for Rs.50,000/- (Rupees Fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 24.10.2007 and 25.10.2007. During this period, the investigator shall be at liberty to interrogate the petitioners in custody

and take appropriate further steps in the investigation. Thereafter the petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of three months and subsequently as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 23.10.07 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each without any sureties undertaking to appear before the learned Magistrate on 23.10.07;

v) The petitioners shall not, except for the purpose of complying with condition No.(ii) above, enter the jurisdiction of Karunagappally Police station without prior permission of the learned Magistrate.

(R.BASANT, JUDGE)

rtr/-